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Keil & Weinkauff
1101 Connecticut Avenue, N.W.
Washington, DC 20036

In re Application of
DIEING, Reinhold, et al.
Application No.: 09/913,980
PCT No.: PCT/EP00/01070
Int. Filing Date: 10 February 2000
Priority Date: 22 February 1999
Attorney's Docket No.: 49774
For: HAIR COSMETIC FORMULATIONS

DECISION

ON REQUEST UNDER

37 CFR 1.497(d)

This is a decision on "Petition To Amend Inventorship Under 37 CFR 1.48(a)," filed on 10 January 2002, which is being treated as a request under 37 CFR 1.497(d).

BACKGROUND

On 10 February 2000, applicants filed international application PCT/EP00/01070, which claimed a priority date of 22 February 1999. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 31 August 2000. On 05 August 2000, applicants filed a demand for international preliminary examination which elected the United States, prior to nineteen months from the priority date. The deadline for entry into the national stage in the United States was midnight on 22 August 2001.

On 21 August 2001, applicants filed a submission for entry into the national stage in the United States, accompanied by, *inter alia*, the U.S. Basic National Fee and a declaration.

On 09 October 2001, the Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required and that the current oath or declaration was not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

On 02 January 2002, applicants filed "Response to Notification of Missing Requirements," requesting acceptance of the earlier filed declaration and indicating that applicants believed it complied with 37 CFR 1.68.

On 10 January 2002, applicants submitted the instant request accompanied by, *inter alia*, a statement from Keith Leslie Rutherford and consent of BASF Aktiengesellschaft.

DISCUSSION

The inventors in the international application are Reinhold Dieing, Michael Gotsche, Peter Hössel, Axel Sanner, and Alfred Leinenbach. Applicants filed this request to add Mr. Keith Leslie Rutherford as an inventor in this application.

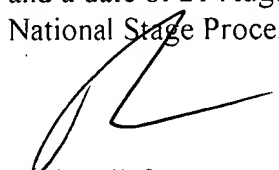
A request under 37 CFR 1.497(d) requires: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the processing fee set forth in §1.17(i); and (3) the written consent of the assignee, if an original named inventor has executed an assignment.

Items (1), (2) and (3) have been met. (1) Mr. Keith Leslie Rutherford states that his "previous omission as a named inventor of the subject matter of the above-mentioned patent application occurred without deceptive intention on my part." (2) The processing fee set forth in §1.17(i) has been paid. (3) The assignee is BASF Aktiengesellschaft, as evidenced by the signed assignment. Thomas Dörper signed the "Consent of Assignee to Amend Inventorship" as the "authorized representative" of BASF Aktiengesellschaft.

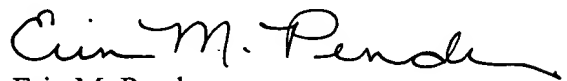
CONCLUSION

For the above reasons, applicants' request under 37 CFR 1.497(d) is GRANTED.

The application has an international filing date of 10 February 2000 under 35 U.S.C. §363 and a date of 21 August 2001 under 35 U.S.C. §371. This application is being forwarded to the National Stage Processing Division of the Office of the PCT Operations for continued processing.



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